

AUCTIONEERS BOARD MEETING MINUTES

The Virginia Auctioneers Board met on October 6, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Betty A. Bennett
William C. Bryant, III
George Daniel
Erlita Joanne Wang

Board member Marie Torrans was not present for the meeting.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director
Kathleen R. Nosbisch, Executive Director
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

Josh Lief, Senior Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Mr. Bryant, Chair, called the meeting to order at 10:00 a.m.

Call to Order

Mr. Bryant advised the Board of the emergency evacuation procedures.

Emergency Evacuation Procedures

Mr. Daniel moved to approve the agenda as amended. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant Daniel and Wang.

Approval of Agenda

Ms. moved to approve the minutes as amended from the following meetings:

Approval of Minutes

- July 20, 2011, Auctioneers Board Meeting; and
- August 18, 2011, Informal Fact-finding Conference

Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant Daniel and Wang.

Public Comment Period – There was no public comment.

Public Comment Period

Regarding **File Number 2011-01456, Gloria Lynn Gardner**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Daniel moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC25-21-100.B (Count 1); and 18VAC25-21-185.A (Count 2). Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel and Wang.

File Number 2011-01456, Gloria Lynn Gardner

Ms. Perkins informed the Board that Ms. Gardner had no prior violations. Mr. Daniel moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: no monetary penalty for the violation contained in Count 1; and \$250.00 for the violation contained in Count 2, for a total monetary penalty of \$250.00.

Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel and Wang. As the presiding board member, Ms. Bennett was not present for the discussion or vote.

Regarding **File Number 2011-03117, Jaime B. Palacios**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Palacios. Mr. Daniel moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110.A (Count 1); 18VAC25-21-180.4 (Count 2); and 18VAC25-21-185.A (Count 3). For these violations, Mr. Palacios agrees to the following sanctions: revocation of license for Counts 1 through 3; and \$150.00 in Board costs. For a total monetary penalty of \$150.00. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang. As the presiding board member, Mr. Bryant was not present for the discussion or vote.

File Number 2011-03117, Jaime B. Palacios

The board members were provided a comprehensive report of enforcement activity for informational purposes.

Review of Compliance and Investigations Division Activity

The board members were provided financial statements for informational purposes.

Review of Board Financial Statements

Ms. Nosbisch reported the Board's proposed regulations are currently at the Governor's office for approval. After approval, the Board has 14 days to file with the Registrar, followed by a 60-day public comment period.

Regulatory Update

Discussion was held on auctioning of self-storage units. Mr. Courtney stated that the selling of storage units is exempt in the statutes regarding

Other Business

auctioneers and that the Self-Storage Act governs the selling/auctioning of storage units and the terms of the contract. However, if a licensed auctioneer does participate in an auction of storage units, they must abide by the regulations.

Ms. Nosbisch informed the Board that she and Ms. Brooks, Board Administrator, attended a Virginia Auctioneer Association (VAA) seminar and the 34th Annual State Champion Auctioneer Contest, August 6, 2011.

Ms. Nosbisch also informed the Board that she and Ms. Brooks, have been invited to speak at the VAA Annual Conference, January 13, 2012, in Charlottesville.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:22 a.m.

Adjourn

William C. Bryant, III, Chair

Gordon N. Dixon, Secretary